

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**H.J., a minor, by BLANCHE WELLS,  
GUARDIAN**

*Plaintiff,*

v.

**DELAPLAINE MCDANIEL  
SCHOOL et al.,**

*Defendants.*

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**CIVIL ACTION**

**No. 17-3229**

**ORDER**

**AND NOW**, this 30th day of November, 2017, upon consideration of the Plaintiff's Complaint (Doc. No. 1), The City of Philadelphia's Motion to Dismiss for Failure to State a Claim (Doc. No. 5), The School District's Motion to Dismiss (Doc. No. 6), the Plaintiff's Response (Doc. No. 7), oral argument held relating thereto on November 20, 2017, and the Motion for Leave to File an Amended Complaint (Doc. No. 13) it is hereby **ORDERED** that:

- 1) The City of Philadelphia's Motion to Dismiss (Doc. No. 5) is **GRANTED** as unopposed.
- 2) The School District's Motion to Dismiss (Doc. No. 6) is **GRANTED**.
- 3) The Motion for Leave to File an Amended Complaint (Doc. No. 13) is **GRANTED**. The plaintiff may file an amended complaint on or before January 4, 2018 in accordance with this order and the Court's November 30, 2017 Memorandum Opinion. Any response to that complaint is due no later than January 22, 2018.
- 4) If no amended complaint is filed by January 4, 2018, the Clerk of Court will mark this case **CLOSED** for all purposes, including statistics, on January 5, 2018.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE